(1) Supreme Court, U.S.
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In The

Supreme Court of the United States

AMERICAN COALITION OF LIFE ACTIVISTS, ET AL.,

Petitioners,

v.

PLANNED PARENTHOOD OF THE COLUMBIA/WILLAMETTE, INC., ET AL.,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI AND APPENDIX
Volume I, Pages 1 to 199

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QUESTIONS PRESENTED

Based solely on two anti-abortion posters and a website alleged to constitute "threats," petitioners were punished with an aggregate $120 million verdict for compensatory, punitive, and treble damages under FACE and RICO. Although the three communications are devoid of threatening language, the jury was instructed that it "must" impose liability "even if you believe that the defendants *did not intend the statements to be threatening*," so long as it was "foreseeable" that the communications would be "interpreted" as threats.

Most of the damages were awarded to two abortion clinics not even mentioned in the three communications. The verdict was followed by a permanent injunction banning republication and mere possession of the communications. Following a remand, the Ninth Circuit reduced the punitive damages. The questions presented are:

1. Whether the First Amendment permits punishment of public forum political speech as "threats" under a negligence standard on the theory that the speech "generates fear" of violence by parties unrelated to the speaker.

2. Whether this Court's decision in *Scheidler v. NOW* requires dismissal of the RICO claim in this case.

3. Whether the Ninth Circuit erred by affirming the FACE verdict in this case, despite respondent clinics' lack of Article III standing and the lack of subject matter jurisdiction over a non-existent "conspiracy to violate FACE."

RULE 14(1)(b) STATEMENT

Petitioners, twelve pro-life advocates and two pro-life organizations, are American Coalition of Life Activists (ACLA), Advocates for Life Ministries (ALM), Michael Bray, Andrew Burnett, David A. Crane, Michael B. Dodds, Timothy Paul Dreste, Joseph L. Foreman, Charles Roy McMillan, Bruce Evan Murch, Catherine Ramey, Dawn Marie Stover, Donald Treshman, and Charles Wysong.

Respondents, four abortion doctors and two abortion clinics, are Planned Parenthood of the Columbia/Willamette, Inc.; Portland Feminist Women's Health Center; Robert Crist, M.D.; Warren M. Hern, M.D.; Elizabeth Newhall, M.D.; and James Newhall, M.D.

RULE 29.6 STATEMENT

Petitioners have no parent companies or non-wholly owned subsidiaries, and no publicly held company holds any stock of petitioners.

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ABBREVIATIONS KEY

ACLA	Petitioner American Coalition of Life Activists and will also designate all petitioners collectively herein.
ALM	Petitioner Advocates for Life Ministries.
App.	Appendix to the petition for certiorari.
FACE	The Freedom of Access to Clinics Entrances Act of 1994, 18 U.S.C. § 248.
L.	Petitioners have "lodged" with this Court selected trial exhibits in 8½ x 11 format, cited herein as "L. [page number]." Reducing the size of the exhibits to include them in the appendix to the petition for certiorari would render them illegible.
RICO	The Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961, *et seq.*
Tr.	Trial transcript in the district court.